

CONSERVATION EASEMENT

STATE OF FLORIDA
COUNTY OF LEON

THIS CONSERVATION EASEMENT is hereby made on this 25th day of June, 2003, by JOYCE BURNSED, whose mailing address is 130 Belmont Road, Tallahassee, FL 32301, hereinafter referred to as the *Grantor*, to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, FL 32301, hereinafter referred to as the *Grantee*.

Witnesseth:

For and in consideration of the mutual promises and other good and valuable considerations as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee and its successors and assigns, a perpetual Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit A, which is attached hereto and expressly incorporated herein, on the terms and conditions hereinafter set forth:

The following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such matter as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conversation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.

Notwithstanding the foregoing, the Grantor, or her assigns, shall be permitted to perform the activities set forth in the plan attached hereto as Exhibit B, which also establishes additional conditions applicable to this Conservation Easement and addresses maintenance responsibilities.

It is understood that the granting of this easement entitles Grantee to enter the above-described land in a reasonable manner at reasonable times to assure compliance with the conditions of this easement.

Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good rights and lawful authority to grant this easement and that the same is unencumbered.

Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall endure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

Witness:

Sylvia Woodcock
(Sign)
Sylvia Woodcock
(Print Name)

GRANTOR:

Joyce Burnsed
JOYCE BURNSED

Witness:

Matthew B Hessel
(Sign)
Matthew B Hessel
(Print Name)

MISSISSIPPI
STATE OF ~~FLORIDA~~
COUNTY OF ~~FLORIDA~~ HARRISON

The foregoing instrument was acknowledged before me on this 25 day of June, 2003, by JOYCE BURNSED, who is personally known to me or has produced a drivers license as identification, and who did not take an oath.

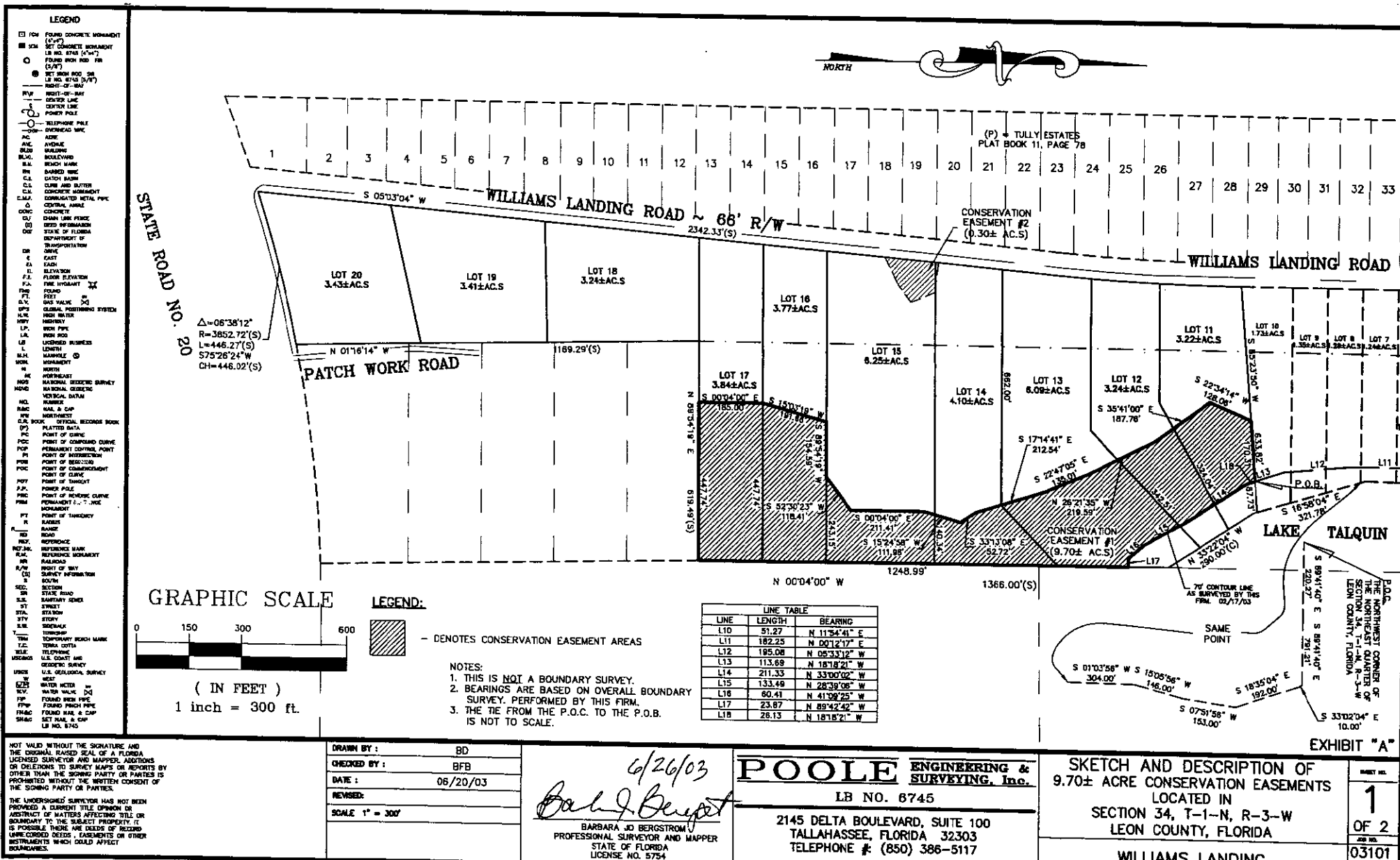
Barbara J. Housler
Notary Public

(Notary Stamp and Seal)

Notary Expiration Date: 2-27-2004

Prepared by:

W. Kirk Brown, Esq.
P. O. Box 38006
Tallahassee, FL 32315



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CONSERVATION EASEMENT MANAGEMENT & MAINTENANCE PLAN

Notice: This plan does not necessarily provide exemption from any other applicable local, state, or federal regulations.

A. The Following Activities Are Allowed Within Conservation Easement Area #1:

1. Eradication of invasive and nuisance plant species through the application of herbicides or by physical removal of such plants. Herbicides must be applied in accordance with the manufacturer's labeling. As used herein, "invasive" species are those plants listed by the Florida Exotic Pest Plant Council's (EPPC) List of Invasive Species. "Nuisance" species are native plants not listed by the EPPC but are considered undesirable due to their competitive effects, such as grapevine, cattail, dog fennel, catbriar, etc. The Leon County Department of Growth and Environmental Management or its successor must be contacted prior to the eradication of nuisance plants to ensure the County agrees with designating the particular plant species as being a nuisance species.
2. Planting of native species that are adapted to local site conditions. Any proposed planting of additional vegetation should first be submitted to the Leon County Department of Growth and Environmental Management or its successor for review and approval.
3. Removal of dead, diseased, or dying vegetation other than standing dead or dying trees unless such trees pose a safety threat. Such removal of vegetation must be conducted in a manner that minimizes disturbance to the soil surface and minimizes impacts to nearby plants other than invasive or nuisance species.
4. Any other activities specifically authorized by an Environmental Management Permit issued by the Leon County Department of Growth and Environmental Management or its successor.
5. Prescribed fire may be administered by a certified burner who must first obtain all necessary permits, including an Environmental Management Permit issued by Leon County. Fire breaks necessary for such prescribed fires may be established if so authorized by Leon County as part of the required Environmental Management Permit.
6. Owners of Lots 11, 12, 13, 14, 15, 16, and 17 can each establish and maintain a pedestrian pathway leading through the conservation easement area on said lots. Only one pathway is allowed per lot and the width of each pathway cannot exceed 8 feet except as provided for in subsection B.1. Vegetation within each pathway can be mown or trimmed. The alignment of the each pathway shall be established in a manner that avoids impacts to existing trees to the greatest degree practicable. The maximum length of the pathways shall be as follows: for Lots 11 and 12 the maximum length is 300 feet; for Lot 13 the maximum length is 375 feet; for Lots 14 and 15 the maximum length is 250 feet; for Lots 16 and 17 the maximum length is 400 feet.
7. An elevated wooden boardwalk or similar raised walkway and wooden stairways can be constructed within the pedestrian pathways described in Section A.6. The maximum width of these structures shall not exceed 5 feet. All activities within the conservation easement necessary to construct these boardwalks and stairways shall be confined to the established pedestrian pathways. Temporary stockpiling of materials in the conservation easement area outside the limits of the 8-foot wide pedestrian pathways is prohibited. All waste materials generated during construction activities, including but not limited to felled vegetation, must be disposed of outside the limits of the conservation easement area and shall not be disposed in Lake Talquin.

B. The Following Is Applicable to Lots 11, 12, and 13 Only (Special Activities Allowed in Conservation Easement Area #1):

1. The guidelines set forth in this subsection must be followed during any activity undertaken by the

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individual lot owner to create a lake view, to establish a swimming area, to install a dock or accessory structure, or to establish an access walkway to the lakefront. The activities listed below are allowed along each lot's lake frontage but are restricted to an area on each lot that: (a) shall be no wider than 50 feet as measured from the lake's ordinary high water line and extending landward from this ordinary high water line, and; (b) shall not exceed the following lengths as measured along the lake's shoreline; 55 feet for Lot 11, 50 feet for Lot 12, and 80 feet for Lot 13. The following activities are allowed within the areas described above, even where such areas fall within the limits of Conservation Easement Area #1.

- (a). Woody vegetation less than 4" diameter breast high (DBH) may be cut at ground level with a saw, axe, or clippers. Cut material must be removed from protected areas by hand.
 - (b). Low hanging tree limbs may be pruned, but such pruning shall not exceed 30% of the tree crown.
 - (c). Mowing and/or trimming of vegetation is allowed within 15 feet of each side of a dock or other accessory structure, such as a boardwalk walkway, in accordance with Section 10-187(e)(2) of the Leon County Land Development Code. Use of lawnmower bags is recommended if mowing is employed.
 - (d). A pedestrian pathway leading to the lake can be established and maintained, however this pathway cannot exceed 10 feet in width. Vegetation within this pathway can be mown or trimmed.
 - (e). A dock or boardwalk can be constructed through the area and can extend into Lake Talquin. For those portions of such structures located waterward of the lake's ordinary high water line, the deck must be higher than the elevation of the 25-year floodplain or at least 2 feet higher than the elevation of the lake's ordinary high water elevation, whichever is greater, and the structure must be supported on pilings. Removal of woody vegetation necessary to build the cited structures is allowed but the method of removal is limited to cutting these plants at ground level, unless otherwise authorized by Leon County, and all felled materials must be removed from the conservation easement area. Prior to construction of any structures, appropriate permits must first be obtained from the Florida Department of Environmental Protection and from Leon County.
2. Owners of Lots 11, 12, and 13 may each install utilities through Conservation Easement Area #1 in order to provide water and electrical service to their dock areas on Lake Talquin. For each lot, these utilities shall be limited to electrical wires contained in a single line of conduit not to exceed 3 inches in diameter and a single water pipe (conduit) not to exceed 3 inches in diameter. These utility conduits must be installed within the limits of the pedestrian pathways established through the conservation easement area on a given lot as described in Section A.6 and within the limits of the pedestrian pathway, dock, or boardwalk established on a given lot as described in Sections B.1.(d) and B.1.(e). These utility conduits may be installed underground or may be suspended under elevated boardwalks, walkways, and docks. Prior to any construction activities associated with installation of said utilities, an Environmental Management Permit must be obtained from Leon County. If installation of said utilities will involve underground installation through wetlands, appropriate permits must also be obtained from the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers prior to installation activities.

C. General Maintenance of Conservation Easement Area #1:

The conservation easement area must be maintained in perpetuity such that the average percent cover accounted for by invasive plant species does not exceed 5 percent and the average percent cover accounted for by nuisance plant species does not exceed 10 percent. Immediately following a maintenance event, the average percent cover by invasive and nuisance plant species should be as close to 0 percent as possible.

Maintenance of the conservation easement areas shall be the responsibility of the individual lot owner upon whose property a given conservation easement area or portion thereof is located. An individual lot owner affected by this maintenance requirement will only be responsible for the maintenance of that portion of the

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conservation easement area located on the lot owner's property. The property owner (lot owner) shall be deemed to be the person or persons shown as the property owner on the tax roll of the Leon County Property Appraiser.